

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By DIANA WYATT CHAIR, on March 7, 1991, at 3:00 p.m.

ROLL CALL

Members Present:

Diana Wyatt, Chair (D)
Jessica Stickney, Vice-Chair (D)
Joe Barnett (R)
Arlene Becker (D)
Vivian Brooke (D)
Dave Brown (D)
Brent Cromley (D)
Paula Darko (D)
Tim Dowell (D)
Budd Gould (R)
Stella Jean Hansen (D)
Harriet Hayne (R)
Ed McCaffree (D)
Tom Nelson (R)
Jim Rice (R)
Sheila Rice (D)
Richard Simpkins (R)
Norm Wallin (R)

Staff Present: Bart Campbell, Legislative Council
Lois O'Connor, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

HEARING ON HB 939

Presentation and Opening Statement by Sponsor:

REP. S. RICE, House District 36, Great Falls, stated HB 939 would establish an urban reforestation grant program. There is not enough money to replace trees when needed.

Proponents' Testimony:

Kathy Macefield, City of Helena, provided written testimony.
EXHIBITS 1, 2

SEN. DOHERTY said urban areas need the use of money from the Resource Indemnity Trust Fund. There are environmental problems

in urban areas. Earmarking money for reforestation is an important policy the Legislature should make. Forests create a micro-climate within the cities which reduces wind and provides cooling in the summer. Most of the money from the fund is spent in rural areas. The cities have environments that need to be addressed.

Charles Wood, Growing Friends of Helena, said there is a crisis in the state with trees because they were planted years ago and have reached their maximum growth. Urban trees are dying, have been blown over, and some urban areas have not been planting trees. There are many volunteers to help plant trees but no money to buy them.

Brendan Moles, concerned citizen, provided written testimony.
EXHIBIT 3

Jon Thompson, City Forester, Great Falls, said in 1989 a survey was done by the American Forestry Association. Survey results found that four trees are being removed for every one planted because the trees are reaching maturity and have not been replaced. After providing for essential services such as water, sewer, fire and police protection, there is no money left to purchase trees for replanting.

Opponents' Testimony: None

Questions From Committee Members:

REP. McCAFFREE asked **REP. S. RICE** what criteria will be used in awarding the grants. She said it will be determined by the Department of State Lands in a rulemaking procedure. DSL will award the grants on a competitive basis. She would like to see a local contribution so it becomes a matching grant. **REP. BROOKE** asked if there had been any opposition to the use of the RITT Fund. **REP. S. RICE** said the opposition exists and will be heard when HB 939 gets to Appropriations. They are asking for a philosophical decision from the committee that urban reforestation is a reasonable use for the RITT Fund which was set up for environmental protection and enhancement.

Closing by Sponsor:

REP. S. RICE said trees help make our cities, towns, and villages what they are. Trees are helpful in terms of environment, beauty, and preservation of cities. HB 939 is a conservation bill. Trees conserve electricity by cutting costs of cooling, heating, and water.

HEARING ON SB 10

Presentation and Opening Statement by Sponsor:

SEN. BENGTON, Senate District 49, Shepherd, stated SB 10 will

allow fire districts to sell bonds to purchase emergency response apparatus. In drafting SB 10, a bond council was consulted and the language in the bill meets their criteria.

Proponents' Testimony:

Bruce Suenram, Missoula Rural Fire District, said fire districts in the state need a way to generate revenue to offset costs.

James Lofftus, Montana Fire Districts Association, stated due to I-105, fire districts are unable to purchase necessary fire equipment. SB 10 will give them an avenue to raise the money needed. The taxpayers must give their approval to pass the bonding bill.

Duane Larson, Montana Fire Chiefs Association, said rural fire districts are in need of avenues of funding due to I-105 and inflation.

Gordon Morris, Montana Association of Counties, said on Page 2, Section 4, Line 13, requires that the bonds be issued under the same provisions as issuance of bonds by counties under Title 7. This means general obligation bonds that require a vote of the people.

Henry Lohr and Lyle Nagel, Montana State Volunteer Firefighter's Association, went on record in support of SB 10.

Tom Leonard, West Helena Valley Fire District, said his district is experiencing a great deal of growth and their budget has not kept up with the demand. They need equipment and a way to raise funds.

James Balke, Gallatin County Fire Council, said his district is in a high growth areas. They need funding to purchase needed equipment.

Jim Nugent, City of Missoula, urged the committee to retain Page 4, the new language in new section 2. It is needed for the city of Missoula. Written testimony was provided. **EXHIBIT 4**

Opponents' Testimony: None

Questions From Committee Members:

REP. BROOKE asked **Bruce Suenram** for a figure on the bond indebtedness incurred. **Mr. Suenram** said he had no idea what the bond indebtedness would be. **SEN. BENGTSON** said the bond holders would be protected. There are 173 fire districts in the state that have property tax evaluation to receive bonding. **REP. WALLIN** asked as long as I-105 exists, how will the bonds be paid. **Gordon Morris** said bonded indebtedness is exempt under the provisions of I-105. SB 10 creates a new general obligation authority subject to voter approval. The people will know this

will be on their tax rolls. REP. WALLIN said existing bonds were not affected by I-105 and asked if new bonds were. Mr. Morris said municipal bonds in Montana are a hot item. There are not enough of them for the market.

REP. J. RICE asked Mr. Morris if local districts would be relying on the expertise counties could provide in setting up bonding and if he knew of any other subdivision of local government that has bonding authority. Mr. Morris said fire districts are the only exception to bonding authority. Any unit of government anticipating the issuance of bonds would be working closely with bond council and underwriter.

REP. BARNETT asked James Balke what council he was referring to in his testimony. Mr. Balke said the Gallatin County Fire Council which is made up of various fire departments and fire chiefs in Gallatin County. REP. BARNETT asked Mr. Morris to point out in the bill where it says the vote of the people. Mr. Morris said in his testimony he referred to MCA, Chapter 7, Part 22, which says the bonds would be issued pursuant to the authority set forth for counties under Title 7. It requires the vote of the people.

Closing by Sponsor:

SEN. BENGTON asked for support of SB 10. The market place will determine whether the bill will be usable. It will give fire districts the authority to sell bonds and protect the bond holders.

HEARING ON SB 107

Presentation and Opening Statement by Sponsor:

SEN. BENGTON, Senate District 49, Shepherd, stated SB 107 would allow a local government to levy the equivalent of 1 mill or \$10,000 whichever is less to finance a study commission. The local government, in its discretion, will also provide additional funds and other assistance if 1 mill is not enough.

Proponents' Testimony:

Alec Hansen, Montana League of Cities and Towns, stated SB 107 would give local governments a little discretion to finance a study commission and offered an amendment. On Page 1, Line 16 and 17, strike "the equivalent of 1 mill or \$10,000 whichever is less" and insert "an amount necessary to fund the study not to exceed the equivalent of 1 mill". Larger cities may need the equivalent of 1 mill to do a study. The amendment gives local governments flexibility to levy any amount necessary up to 1 mill.

Mike Mathew, Yellowstone County Commission, said the Yellowstone County Commissioners want to get the mandatory level of funding

down from the level of a mill. Mr. Mathew supported the amendment by Mr. Hansen.

Jim Nugent, City of Missoula, provided written testimony.
EXHIBIT 5

Gordon Morris, Montana Association of Counties, stated the Association supports SB 107 as amended.

Opponents' Testimony: None

Questions From Committee Members:

REP. NELSON stated that the \$10,000 should be removed from the Title. REP. BARNETT was unsure of the amendment. Alec Hansen stated the amendment would say the amount necessary to fund the study not to exceed 1 mill. Ten thousand dollars in larger cities may not be enough to run an adequate study. The amendment gives local governments discretion on how much money is needed to have a quality study but capping it at 1 mill. REP. McCAFFREE stated concerns about the amendment. He felt the \$10,000 should be less and asked what was wrong with the original language. Mr. Hansen said the original language states \$10,000 or 1 mill whichever is less.

REP. S. J. HANSEN asked Jim Nugent how much money 1 mill raises in Missoula. Mr. Nugent said it raised slightly over \$50,000.

Closing by Sponsor:

SEN. BENGTON said SB 107 will save money and give flexibility so all counties will be able to fund a study at the least possible expense. The amendments will answer the problem.

HEARING ON SB 108

Presentation and Opening Statement by Sponsor:

SEN. BENGTON, Senate District 49, Shepherd, stated SB 108 addresses elections in irrigation districts.

Proponents' Testimony:

Jo Brunner, Montana Water Resources Association, stated in the last Legislature, it was requested that irrigation laws be reviewed and revamped. The present law is very costly and a time consuming process for irrigation districts when at election time, no one chooses to run. The ballots must be printed and offered. This does not affect any voting on issues, except the election of commissioners. It does not eliminate write in ballots or nominations from the floor. It gives another option to have elections at the annual meeting. If there are no nominations, the commissioners will have the obligation to appoint a commissioner.

Opponents' Testimony: None

Questions From Committee Members:

REP. SIMPKINS said on Page 2, Line 10, it states that a nominee must be declared and elected by the commission and asked Jo Brunner what would happen if the commissioners don't want him. Ms. Brunner said there is a plus and a negative vote, and they can always vote no. REP. SIMPKINS said the language states that if there is one nominee for each ballot, the nominee must be declared elected by a commission. Ms. Brunner stated it was not the intent of the bill.

Closing by Sponsor:

REP. BENGTON urged support of SB 108 and asked that REP. SCOTT carry SB 10, REP. KASTEN carry SB 108, and REP. NELSON carry SB 107.

HEARING ON SB 201

Presentation and Opening Statement by Sponsor:

SEN. BROWN, Senate District 2, Whitefish, stated SB 201 would provide that the County Attorney would be the legal advisor, without fee, for fire service areas. Current law states County Attorneys are the legal advisors for fire service districts not fire service areas.

Proponents' Testimony:

Henry Lohr, Montana Volunteer Firefighters Association, said fire districts and fire service areas use the same laws and urged support of SB 201.

Duane Larson, Montana Fire Chiefs Association, and James Lofftus, Montana Fire Districts Association, supported SB 201

Opponents' Testimony: None

Questions From Committee Members: None

Closing by Sponsor:

SEN. BROWN asked the REP. DOWELL carry SB 201.

HEARING ON SB 162

Presentation and Opening Statement by Sponsor:

SEN. HARDING, Senate District 25, Polson, stated SB 162 eliminates the requirement that a County Clerk and Recorder and a claim locator provide the Department of State Lands and the Board

of Land Commissioners with a copy of each notice of claim locations. It eliminates unnecessary paperwork. The DSL requires that anyone who wishes to mine has to obtain a permit from the Department. It is unnecessary to contact the County Clerk and Recorder as current law requires.

Proponents' Testimony:

John North, Department of State Lands, provided written testimony. EXHIBIT 6

Opponents' Testimony: None

Questions From Committee Members: None

Closing by Sponsor:

SEN. HARDING said it is good when the state and local governments get together to eliminate duplicate paperwork and asked that REP. HAYNE carry SB 162.

EXECUTIVE ACTION ON SB 162

Motion/Vote: REP. NELSON MOVED SB 162 BE CONCURRED IN AND PLACED ON CONSENT CALENDAR. Motion carried unanimously.

EXECUTIVE ACTION ON SB 201

Motion/Vote: REP. DOWELL MOVED SB 201 BE CONCURRED IN AND PLACED ON CONSENT CALENDAR. Motion carried Unanimously.

EXECUTIVE ACTION ON SB 108

Motion: REP. SIMPKINS MOVED SB 108 BE CONCURRED IN.

Discussion:

REP. SIMPKINS asked that on Page 2, Line 10, Strike: "must" and Insert: "may". Bart Campbell agreed and suggested amending Title, Line 8, to Strike: "requiring" and Insert: "permitting". REP. CROMLEY asked that on Page 2, Line 9, "each" be struck and "may" inserted.

Motion/Vote: REP. SIMPKINS moved to adopt the amendments. Motion carried unanimously. EXHIBIT 7

Motion/Vote: REP. DARKO MOVED THAT SB 108 BE CONCURRED IN AS AMENDED AND PLACED ON CONSENT CALENDAR. Motion carried unanimously.

EXECUTIVE ACTION ON SB 10

Motion: REP. DOWELL MOVED SB 10 BE CONCURRED IN.

Discussion:

REP. WALLIN stated SB 10 would not work. They can't sell bonds and pay them off with mill levies. That would be against I-105. REP. McCAFFREE said the statute allows for the people to vote and they can sell bonds if approved by the people. It has nothing to do with I-105. REP. WALLIN asked where the money to pay for the bonds will come from. REP. McCAFFREE said a levy would have to be assessed over a 20 year period. REP. DARKO stated that bonding ability is outside I-105. REP. J. RICE asked if the bonds are issued and sold, can they impose an additional levy for the repayment of bonds not subject to I-105. REP. McCAFFREE replied yes.

REP. SIMPKINS asked Bart Campbell about the maximum county indebtedness. Mr. Campbell replied they are not general obligation bonds. The county doesn't assume responsibility. REP. McCAFFREE said some bonding companies require a revolving fund to assure repayment. REP. SIMPKINS asked if the County Commissioners have the authority to go to the voters district and request bonding. REP. McCAFFREE said the County Commissioners don't have the authority unless the Commissioners are of the Board of the district. Gordon Morris said SB 10 is for fire districts. They have elected trustees and are separate taxing units. They have nothing to do with the county. They have their own bonding indebtedness limit set for in the bill at 18% of their taxable value. Bonded indebtedness is excluded from the provisions of I-105. They are not like RSIDs.

Vote: Motion carried unanimously.

EXECUTIVE ACTION ON HB 813**Discussion:**

Bart Campbell explained amendments. REP. D. BROWN stated he spoke to a number of Clerk and Recorders, and they were concerned about the fact that they must preserve records. REP. SIMPKINS said the bill did not require the Clerk and Recorders to preserve records. It just requires them to put a dollar into an account. Are the Clerk and Recorders required by law to preserve documents? If that is part of their function, and they are not doing it, they should be disciplined for not complying with the law. If they need money to preserve funds, then HB 813 would be a vehicle for them to obtain it. REP. CROMLEY stated the duties of the Clerk and Recorder are to "safely keep" the documents filed. In his mind, "safely keep" means to preserve. The fee is not a fee for keeping documents. It is for documents that are copied and returned to the filer. He has no problem with the increase of a dollar, but would prefer to strike Section 2. REP. S. J. HANSEN said she understood the bill to say that the one dollar increase would go toward the preservation of records. The other five dollars would go into the General Fund.

Motion: REP. D. BROWN MOVED HB 813 DO PASS.

Motion: REP. D. BROWN moved to amend HB 813. EXHIBIT 8

Discussion:

REP. D. BROWN stated that he would object to striking Section 2 because many people won't do their jobs unless they are told.

REP. BROOKE asked if the committee can assume that the printed amendment is a whole sentence beginning with a capital "The".


REP. D. BROWN said yes. REP. SIMPKINS agreed with REP. BROOKE. If it can be shown that the money is not needed for preservation, then they have the authority to transfer the funds. REP. D. BROWN restated the amendments.


Vote: Motion on the amendments carried unanimously.

Motion/Vote: REP. D. BROWN MADE A SUBSTITUTE MOTION THAT HB 813 DO PASS AS AMENDED. Motion carried unanimously.

ADJOURNMENT

Adjournment: 5:10 p.m.


DIANA WYATT, Chair


LOIS O'CONNOR, Secretary

DW/lo

HOUSE OF REPRESENTATIVES
LOCAL GOVERNMENT COMMITTEE

ROLL CALL

DATE 2-7-91

NAME	PRESENT	ABSENT	EXCUSED
Rep. Paula Darko	X		
Rep. Jessica Stickney, Vice-Chair	X		
Rep. Joe Barnett	X		
Rep. Arlene Becker	X		
Rep. Vivian Brooke	X		
Rep. Dave Brown	X		
Rep. Brent Cromley	X		
Rep. Tim Dowell	X		
Rep. Budd Gould	X		
Rep. Stella Jean Hansen	X		
Rep. Harriet Hayne	X		
Rep. Ed McCaffree	X		
Rep. Tom Nelson	X		
Rep. Jim Rice	X		
Rep. Sheila Rice	X		
Rep. Richard Simpkins	X		
Rep. Norm Wallin	X		
Rep. Diana Wyatt, Chair	X		

HOUSE STANDING COMMITTEE REPORT

31 101 101 101
March 8, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that Senate Bill 162 (third reading copy -- blue) be concurred in and be placed on consent calendar.

Signed:

Diana Wyatt
Diana Wyatt, Chairman

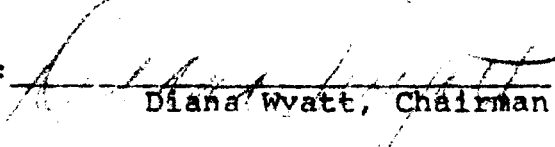
CAP. J. R. H. H. H. H.

HOUSE STANDING COMMITTEE REPORT

March 8, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that Senate Bill 201 (third reading copy -- blue) be concurred in and be placed on consent calendar.

Signed: 
Diana Wyatt, Chairman

Carried by: Rep. Dowell

HOUSE STANDING COMMITTEE REPORT

March 8, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that Senate Bill 108 (third reading copy -- blue) be concurred in as amended and be placed on consent calendar.

Signed: Diana Wyatt
Diana Wyatt, Chairman

Carried by: Rep. Kasten

And, that such amendments read:

1. Title, line 8.

Strike: "REQUIRING"

Insert: "PERMITTING"

2. Page 2, line 9.

Strike: "each"

Insert: "a"

3. Page 2, line 10.

Strike: "must"

Insert: "may"

4. Page 2, lines 11 and 12.

Strike: ". The action must be taken"

Insert: "or"

HOUSE STANDING COMMITTEE REPORT

March 8, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that Senate Bill 10 (third reading copy -- blue) be concurred in.

Signed: 
Diana Wyatt, Chairman

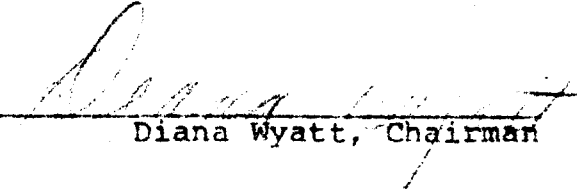
Carried by: Rep. Scott

HOUSE STANDING COMMITTEE REPORT

March 8, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that House Bill 813 (first reading copy -- white) do pass as amended .

Signed: 

Diana Wyatt, Chairman

And, that such amendments read:

1. Page 1, line 20.

Following: "fund"

Insert: "and shall use the money for records preservation"

2. Page 1, line 24.

Following: line 23

Insert: "(3) The governing body of the county may transfer to the general fund any money in the records preservation fund that is not needed for records preservation."

Commissioners
Russell J. Ritter, Mayor
Margaret A. Crennen
Tom Huddleston
Mike Murray
Blake J. Wordal



EXHIBIT 1
DATE 3-7-91
HB 939

City-County
Administration Building
316 North Park
Helena, MT 59623
Phone: 406/442-9920

William J. Verwolf
City Manager

City of Helena

March 7, 1991

File: HB939.'91

Chairman Diana Wyatt
House Local Government Committee
State Capitol Building
Helena, Montana 59620

Chairman Wyatt and Members of the House Local Government Committee:

My name is Kathy Macefield and I am appearing on behalf of the City of Helena to speak in favor of HB 939.

Montana cities and their urban forests have suffered significant losses due to cold winters, drought, age, and lack of funds for replanting trees. Therefore, a mechanism to facilitate tree planting in our communities is very timely.

Trees provide many benefits to a community: increased property values, climate control, improved air quality, wind buffers, and a more livable place to work and play. The National Arbor Day Foundation provides a more detailed description of those benefits (attached).

For each of the past two annual Montana Centennial Tree Program workshops, representatives from large and small communities all over the state have said they needed financial help to replace trees in their parks and along their streets, and to facilitate tree planting in newer developing areas.

A couple of comments about the grant program and the criteria for awarding the grants:

As part of the application process, I hope a requirement will be that a community has developed a tree-planting plan. In this plan, specific needs would be identified, including species, locations, and priorities. The tree-planting plan should include species that will survive in Montana's climate, and provisions for ongoing maintenance (such as water) after the trees are planted.

Considering the total amount of grant money that would be available in 1992 and 1993, and the potential that single grants up \$20,000 could be received, the grant money could easily and quickly be spent by the larger Montana communities. However, this kind of a grant program is also needed by smaller communities as well. In order to make the grant money stretch as far as possible, perhaps some sort of a match could be required. The match could be cash, "in-kind", or a combination of both.

HB 939 is an important first step to facilitate urban reforestation, and I encourage you to pass this bill. Thank you.

Sincerely,

Kathy Macefield
Kathy Macefield

Why Plant Trees?

- ☐ Shade – for more pleasant summer living.
- ☐ Shade – for saving on your electric bill.
Three well-placed trees can cut air conditioning costs 15%.
- ☐ Shade – to cool hot streets and parking lots. Cities are "heat islands" that are 5 to 9 degrees hotter than surrounding areas. And cities spread each year.
- ☐ Trees, through their shade and transpiration (giving off water), provide natural, "low-tech" cooling that means less need to build dams, coal-burning power plants and nuclear generators.
- ☐ Leaves work as air cleaners, reducing the amount of harmful CO₂. Due to the burning of fossil fuels, CO₂ in our atmosphere may soon double. A tree can absorb 26 pounds of CO₂ per year, or about 2.5 tons per acre – and replace it with life-giving oxygen.
- ☐ Trees provide shelter for wildlife, slow rainfall runoff, prevent soil erosion, muffle noise, and provide privacy.
- ☐ As windbreaks, trees can be shields against wind and snow; heating costs can be reduced by as much as 30%!
- ☐ Research shows that trees help reduce stress in the work place and speed recovery of hospital patients.
- ☐ Police officials believe that trees and landscaping can instill community pride and help cool tempers that sometimes erupt during "long, hot summers."



- ☐ We're losing urban trees. In some cities, as many as 4 trees die or are removed for each new one planted.
- ☐ Surveys indicate that about 66 to 100 million spaces exist along our city streets where trees could be planted. This translates to the potential to absorb 33 million more tons of CO₂ every year and at the same time save consumers \$4 billion in energy costs.
- ☐ Trees add beauty and grace to any community setting; they make life more enjoyable and offer a rich inheritance for future generations.

Sources include: American Forestry Association and National Wildlife Federation.

DATE 3-7-91
HB 939

TO : Diana Wyatt. Chairperson. Local Government
Local Government Committee Members

FROM : Brendan R. Moles. Graduate Student. University of Mt.

DATE : March 7. 1991

RE : HB 939. Urban Reforestation Grant Program

I am writing to you today to support the passage of HB 939 -
Urban Reforestation Grant Program - for the following reasons :

- The United States. with 1/20th of the world population.
produces a quarter of the carbon dioxide (CO2) that is
contributing to the rise in global temperatures.
- Five of the hottest years of the last century were in the
1980's. and global temperatures are now the highest since
records have been kept.
- Urban forests. accounting for 70% of the nation's forest
land. are in serious decline as cities expand out into
rural forest areas - only 1 tree is planted for every four
removed by cities.

T R E E S . . .

- Breathe in CO2... A single forest tree absorbs 26 lbs. of
CO2 per year; an acre of trees can remove 2.4 to 5 tons
of CO2.
- Filter particulates... Dust, ash, pollen & smoke particles
trapped on leaves are later washed away by precipitation.
- Reduce noise... Sound is reflected, deflected or absorbed
by the tree canopy. branches and trunk.
- Increase property values... Which, in turn, translate into
increased property tax revenue for cities.

States, cities, local groups all over the country are acting NOW
to make their communities a better place to live.

- Trees for Tucson plans to plant 500,000 desert-adapted
trees by 1996 increasing the city's leaf canopy by 30%
equating to \$20 million/year in savings from A/C costs.

- Green Shores. Maryland's statewide program. aims to reduce chemical & agricultural runoff into the Chesapeake Bay by planting trees besides rivers throughout the state.

What a fitting tribute it would be to celebrate Montana's declaration of Arbor Day, Friday, April 26, with the passage of HB 939, the Urban Reforestation Grant Program. Thank you for taking the time to read my comments and considering their importance in your decision.

Sincerely.

A handwritten signature in cursive script, reading "Brendan R. Moles". The signature is written in dark ink and is positioned above the printed name.

Brendan R. Moles



OFFICE OF THE CITY ATTORNEY

435 RYMAN • MISSOULA, MT 59802-4297 • (406) 523-4614

DATE 3-7-91
HB SB 10

March 7, 1991

91-099

Senator Esther G. Bengtson
State Capitol
Helena, Montana 59620

House Local Government
Committee Members
State Capitol
Helena, Montana 59620

RE: SENATE BILL 10 AUTHORIZING RURAL FIRE DISTRICTS TO SELL BONDS

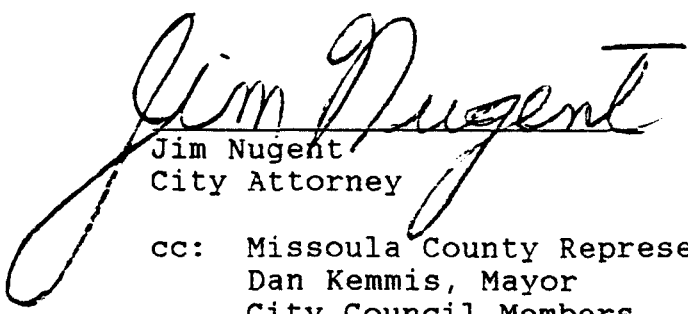
Honorable Senator Bengtson and House Local Government Committee Members:

City of Missoula officials understand and appreciate the necessity for local government and public service entities to obtain alternative fund raising mechanisms as a result of I-105.

If the House passes Senate Bill 10 please retain within SB-10 provisions authorizing the City needed flexibility to deal with the continuing bond tax burden that would currently follow along with property annexed into the City of Missoula. Current new section 2, on page 4, lines 6-19 of SB-10 provides Montana cities with flexibility or alternatives for addressing the ongoing bond tax burden.

Thus, it is very important to the City of Missoula that this ongoing rural fire district bond payment flexibility be retained for the City of Missoula so that the Missoula Rural Fire District bonding authority and bond assessments will not serve as a disincentive for municipal annexation to the property owners subject to the bond assessments.

Yours truly,


Jim Nugent
City Attorney

cc: Missoula County Representatives
Dan Kemmis, Mayor
City Council Members
Alec Hansen, Executive Director
Legislative File
Chuck Gibson



OFFICE OF THE CITY ATTORNEY

435 RYMAN • MISSOULA, MT 59802-4297 • (406) 523-4614

EXHIBIT 5
DATE 3-7-91
HB SB 107

91-098

March 7, 1991

Senator Esther G. Bengtson
State Capitol
Helena, Montana 59620

House Local Government
Committee Members
State Capitol
Helena, Montana 59620

Re: Opposition to Senate Bill 107 "An act allowing a local government to appropriate \$10,000 to finance a study commission" and request for amendments.

Honorable Senator Bengtson and House Local Government Committee members:

The purpose of this letter is to express opposition to SB-107 heard Thursday, March 7, 1991 and entitled "An act allowing a local government to appropriate \$10,000 to finance a study commission; and amending Section 7-3-184, M.C.A. and to request an amendment to SB-107."

Subsection 7-3-184(1), M.C.A. requires that a study commission must have their budget approved by the local governing body. Pursuant to current Subsection 7-3-184(2), M.C.A. "each local government under study shall appropriate the equivalent of 1 mill" for the support of the commission. SB-107 attempts to establish a maximum limit of \$10,000.00 for a fiscal year study commission budget. Ten thousand dollars (\$10,000.00) is unreasonably low in a densely populous urban area such as the City of Missoula.

The City of Missoula requests that SB-107 be amended to authorize first class cities to levy up to one mill. Such an exception could be inserted at page 1, line 18 with the words "except that a first class city of 10,000 or more population may levy up to 1 mill for a local government study commission".

Potential costs for a deliberative study commission would include expenditures for (1) legal ad publications of public hearings and public meetings, (2) copying costs, (3) postage and handling costs, (4) clerical typing of study commission meeting and public hearing minutes, (5) wage or salary plus required taxes for part time staff to assist the study commission with research, gathering materials, (6) purchasing office supply materials, i.e., paper, pens, etc., (7) assisting with communications, (8) staff time copying materials, (9) scheduling legal ad publications, meetings, and hearings, (10) cost of office space and office utilities, (11) etc.

TESTIMONY OF JOHN F. NORTH ON SENATE BILL 162
Department of State Lands
House Local Government Committee
March 7, 1991

Under the Montana Metal Mine Reclamation Act or "Hard Rock Act," as it is commonly called, persons who wish to explore for hard rock minerals, such as gold, silver, or copper, on federal, state, or private land must obtain an exploration license from the Department of State Lands. The Department through this license then requires that exploration disturbances are reclaimed.

When the Hard Rock Act was passed in 1971, it contained a requirement that all persons who file claim locations in Montana send a copy of the claim locations to the Department. Also, the claim location statute was amended to impose the same requirement on the county clerks. I assume that the purpose was to give the Department notification of all claim locations so that it could inspect the area to determine if unlicensed exploration was occurring.

This information was never used for three reasons:

1. No substantial activity occurs on the vast majority of claims. Checking each site would be inefficient.
2. Claim locations are filed only on federal minerals. The Forest Service and BLM district offices are familiar with exploration and small miner activities within their areas and advise the Department of State Lands of those activities.
3. The Department knows which areas are "hot" areas and inspects those periodically.

Because there are more efficient ways to inspect for violations of the Hard Rock Act, the Department never really used copies of claim location certificates and no longer requires them. Senate Bill 162 should remove from the law the requirement to file these copies with the Department. The Department respectfully requests the Committee to approve this bill.

Amendments to Senate Bill No. 108
Third Reading Copy

For the Committee on Local Government

Prepared by Bart Campbell
March 8, 1991

1. Title, line 8.
Strike: "REQUIRING"
Insert: "PERMITTING"
2. Page 2, line 9.
Strike: "each"
Insert: "a"
3. Page 2, line 10.
Strike: "must"
Insert: "may"
4. Page 2, lines 11 and 12.
Strike: ". The action must be taken"
Insert: "or"

Amendments to House Bill No. 813
First Reading Copy

For the Committee on Local Government

Prepared by Bart Campbell
March 8, 1991

1. Page 1, line 20.

Following: "fund"

Insert: "and shall use the money for records preservation"

2. Page 1, line 24.

Following: line 23

Insert: "(3) The governing body of the county may transfer to
the general fund any money in the records preservation fund
that is not needed for records preservation."

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Local Government COMMITTEE BILL NO. HB 939
 DATE 3-7-91 SPONSOR(S) S. Rice

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
BRENDAN R. MOLES PO Box 9153 Missoula, MT 59807	MYSELF A CONCERNED INDIVIDUAL	HB 939		✓
JON THOMPSON 3421 CENTRAL AVE. GREAT FALLS	CITY OF GREAT FALLS	HB 939		✓
Anna M. Miller	DNRC	HB 939		
Kathy Macfield	City of Helena			✓
CHARLES WOOD	GROWING FRIENDS OF HELENA	HB 939		✓
Don Artley	DSL	HB 939		
Gordon Morris	MALC			✓
Ray Beek	DNRC			
opposing funding source J. Brunner	MURC	939	✓	
Jim Nugent	CITY OF MISSOULA	HB 939		✓

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HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Local Government COMMITTEE BILL NO. SB-107
 DATE 3-7-91 SPONSOR(S) Bington

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Gordon Morris	MAA	107		✓
Mr. Malheur	Yellowstone Co.	107		✓
Jim NUBERT	City of Missoula		REQUEST AMENDMENT	
Alec Hansen	MLCT	SB 107 AMEND		

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HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Local Government COMMITTEE BILL NO. SB-10
 DATE 3-7-91 SPONSOR(S) Bengtson

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Bruce Suenon	Lockwood Rural FD Missoula Rural FD	SB10		✓
Bruce Suenon	Montana Fire Dist. Assoc	"		✓
Lyle Nagel	Mt. St. Fire Chiefs Assn Mt. St. Vol. Fire Fighters Assn	SB10		✓
DYANE LARSON	MT ST. FIRE CHIEFS ASSN	SB-10		✓
HENRY E LOHR	MT State Vol Fire Fighters Assn	SB		X
JAMES ALOFTVS	MT FIRE DIST ASSN			✓
James Burke	Callahan Co Fire Company Belgrade R.F. Dist	10		✓
Gordon Morris	MA Co.			✓
Mike Malheur	Yellowstone Co	10		✓
JIM Nugent	City of Missoula	SB-10	PRESERVE Senate Amendments	
TOM LEONARD	West Helena Valley F.D.	SB10		✓

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HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Local Government COMMITTEE BILL NO. SB-108
 DATE 3-7-91 SPONSOR(S) Bengtson

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
<u>John Banner</u>	<u>MAA</u>	<u>108</u>		<input checked="" type="checkbox"/>
<u>Mike Steph</u>	<u>MT Clerk & Kumb</u>	<u>108</u>		<input checked="" type="checkbox"/>

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HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Local Government COMMITTEE BILL NO. SB 201
 DATE 3-7-91 SPONSOR(S) Brown

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Lyle Nagel	mt. st. Vol. Firefighters Assn	201		✓
M. DUANE LARSON	MT ST FIRE CH. & FS ASSN	201		✓
Henry E. Leitz	MT State Vol Firefighter Assn	SB 201		X
Gordon Morris	MA Co	201		✓

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HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Local Government COMMITTEE BILL NO. SB-162
 DATE 3-7-91 SPONSOR(S) Harding

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
John North	Dept. of State Land	SB 162		✓
Gary Amusing	Dept. of State Lands	SB 162		✓

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